

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SANDEEP ROY CHAUHAN,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. [21-cv-09201-VC](#)

**ORDER DENYING MOTION FOR  
DEFAULT JUDGMENT**

Re: Dkt. No. 28

On June 6, 2022, Sandeep Roy Chauhan requested an entry of default against defendant Google, LLC, and the Clerk entered default based on Google's failure to respond to Chauhan's complaint. Dkt. No. 23. On June 8, 2022, Chauhan filed his First Amended Complaint asserting new claims against Google. Dkt. No. 25. On June 14, 2022, Chauhan then asked the Court to enter a default judgment as to the claims in this amended complaint. Dkt. No. 28. Chauhan has subsequently filed additional exhibits to his First Amended Complaint. Dkt. Nos. 30, 32.

"In exercising its discretion to enter default judgment, a court must first find that it has jurisdiction over the action and defendant, and that the party against whom default judgment is requested was adequately served." *uSens, Inc. v. Chongqing Junma New Energy Automobile Co.*, No. 19-CV-00315-BLF, 2022 WL 410938, at \*1 (N.D. Cal. Feb. 10, 2022). The First Amended Complaint asserts new claims against Google, and so it must be served on Google even though Google has failed to appear in the case thus far. Fed. R. Civ. P. 5(a)(2). Contrary to Chauhan's certificate of service, electronic filing does not constitute service upon parties who have not yet appeared. *See* Dkt. No 27. Chauhan's motion for default judgment is therefore denied.

The Court is additionally skeptical that Google was properly served with the original complaint. The returned summons for Chauhan's original complaint does not show that an officer, managing or general agent, or another authorized agent received service of process nor


that service was consistent with California state law. *See* Fed. R. Civ. P. 4(h), 4(e)(1).

Chauhan is proceeding in forma pauperis, and so the government must serve Google with the First Amended Complaint. *See* Fed. R. Civ. P. 4(c)(3), *and* 28 U.S.C. § 1915. Chauhan is advised to prepare a new proposed summons identifying Google's designated agent for service of process so that Google can be properly served. Once the proposed summons is submitted, the U.S. Marshal for the Northern District of California is ordered to serve, without prepayment of fees, a copy of the First Amended Complaint and any attachments upon Google.

If he has not already done so, Chauhan is encouraged to obtain a copy of the Handbook for Pro Se Litigants.<sup>1</sup> He is also encouraged to contact the Pro Se Program for assistance. Information regarding the Program can be found at <https://cand.uscourts.gov/pro-selitigants/the-federal-pro-se-program-at-the-san-jose-courthouse/>.

**IT IS SO ORDERED.**

Dated: August 17, 2022

  
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VINCE CHHABRIA  
United States District Judge

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<sup>1</sup> The handbook is available at: [https://cand.uscourts.gov/wp-content/uploads/2020/02/Pro\\_Se\\_Handbook\\_2020ed\\_links\\_12-2021\\_MBB.pdf](https://cand.uscourts.gov/wp-content/uploads/2020/02/Pro_Se_Handbook_2020ed_links_12-2021_MBB.pdf).